

In re application of MATTHEWS ET AL  
Application No. 09/503,137

**REMARKS**

The Office action has been carefully considered. The Office action has rejected claims 88-142 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,091,411 to Straub et al (hereinafter "Straub") in view of U.S. Patent No. 6,826,696 to Chawla et al (hereinafter "Chawla"). Applicants respectfully disagree.

By present response, no claims are amended herein. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments previously made were for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants disagree that claims 88-142 are unpatentable over Straub in view of Chawla. As set forth in the attached STATEMENT TO ESTABLISH COMMON OWNERSHIP, applicants submit that the current application and the patent of Straub were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to the same entity. Pursuant to 35 U.S.C. § 103(c), Straub does not qualify as prior art under 35 USC §103(c) and applicants request that Straub be withdrawn as a reference for all § 103 rejections, including claims 88-142. This pending application was filed on February 11, 2000. For applications filed on or after November 29, 1999, a 102(e) prior art reference may not be applied in an obviousness rejection under

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**35 U.S.C. § 103 if the patent and the pending application are commonly assigned or subject to an obligation of assignment at the time the claimed invention was made. Applicants respectfully request that Straub be withdrawn as a reference with respect to the rejection of any claims.**

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**Conclusion**

In view of the foregoing remarks, it is respectfully submitted that claims 88-142 of the present application are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,

  
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**STATEMENT TO ESTABLISH COMMON OWNERSHIP**

**(Regarding U.S. Patent No. 6,091,411)**

Applicants, through the attorney of record, state that the present application and the above-identified reference was, at the time the invention was made, owned by, or subject to an obligation of assignment to the same entity.

Respectfully submitted,

  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response, along with transmittal, petition for extension of time, credit card payment form, and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: June 10, 2005

Albert S. Michalik

Albert S. Michalik

*2310 Response After Third Amendment*